

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: FONG, Mo-Han; IRAQI, Ali  
Serial No.: 10/673,480  
Filed: September 30, 2003  
Title: MULTI-CARRIER LOAD BALANCING SCHEME FOR VOICE AND  
DATA  
Group: 2617  
Examiner: HOLLIDAY, Jaime  
Attorney Ref.: PAT 2151-2 US

June 24, 2010

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, Virginia  
22314-1450  
U.S.A.  
**Mail Stop Issue Fee**

**PETITION TO THE DIRECTOR UNDER 37 CFR 1.182**

Applicants hereby petition under 37 CFR 1.182 for review by the Director of the improper reopening and reconsideration of the instant application by the examiner, subsequent to a final determination by the Board of Patent Appeals and Interferences (BPAI) reversing all the examiner's rejections. The Fee under 37 CFR 1.17(f) is submitted.

**1. BACKGROUND**

1.1. This petition is not in response to any formal written correspondence received from the USPTO in regard to reopening or reconsideration of prosecution of the instant application.

1.2. On June 22, 2010, the undersigned reviewed the Electronic File Wrapper (EFW), and noted that prosecution of the instant application has been reopened subsequent to the final determination of the BPAI. As detailed below, a further search had been completed by the examiner, resulting in Reasons for Allowance that were based on a newly cited reference.

Adjustment Date: 11/18/2010 CKHLOK  
06/25/2010 INTEFSW 00004640 141315 10673480  
01 FC:1462 400.00 CR

1.3. On June 22, 2010, the undersigned contacted Supervisory Patent examiner (SPE) Charles Appiah by telephone to discuss the circumstances leading to the reopening of prosecution. SPE Appiah advised that he did not consider the search outlined below

5.2. Petitioner requests that this petition be granted.

5.3. Petitioner requests that:

5.3.1. the examiner's prior art search strategy and results subsequent to the BPAI decision be expunged from the file wrapper, or otherwise stricken from the record.

5.3.2. The examiner's search notes subsequent to the BPAI decision be expunged from the file wrapper, or otherwise stricken from the record.

5.3.3. The Notice of References Cited dated March 24, 2010 be expunged from the file wrapper, or otherwise stricken from the record.

5.3.4. Pages 2 - 5 of the Notice of Allowability be expunged from the file wrapper, or otherwise stricken from the record.

5.4. In the alternative, Petitioner requests that:

5.4.1. This petition be entered into the file wrapper as Comments on the Reasons for Allowance.

The Commissioner is hereby authorized to charge any additional fees, and credit any over payments to **Deposit Account No. 14-1315, in the name of Nortel Networks.**

Respectfully submitted,  
**FONG, Mo-Han, et al**

Borden Ladner Gervais LLP  
World Exchange Plaza  
100 Queen Street, Suite 1100  
Ottawa, ON K1P 1J9  
CANADA  
Tel: (613) 787-3519  
Fax: (613) 787-3558  
E-mail: [akinsman@blgcanada.com](mailto:akinsman@blgcanada.com)

By: /Leslie A. Kinsman/  
**Leslie A. Kinsman**  
**Reg. No. 45,291**

ALK/mag

**UNITED STATES PATENT & TRADEMARK OFFICE**  
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND											
1 Date of Request: <u>11/18/10</u>		2 Serial/Patent # <u>10/673,480</u>									
3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED	6 AMOUNT							
	Filing			\$							
	Amendment			\$							
	Extension of Time			\$							
	Notice of Appeal/Appeal			\$							
<input checked="" type="checkbox"/>	Petition	<input checked="" type="checkbox"/>	6/24/10	\$ 200							
	Issue			\$							
	Cert of Correction/Terminal Disc.			\$							
	Maintenance			\$							
	Assignment			\$							
	Other			\$							
7 TOTAL AMOUNT OF REFUND			\$								
8 TO BE REFUNDED BY:											
Treasury Check											
X Credit Deposit A/C #:											
9 <table border="1" style="display: inline-table; border-collapse: collapse; text-align: center;"> <tr> <td style="width: 20px;">1</td> <td style="width: 20px;">4</td> <td style="width: 20px;">--</td> <td style="width: 20px;">1</td> <td style="width: 20px;">3</td> <td style="width: 20px;">1</td> <td style="width: 20px;">5</td> </tr> </table>					1	4	--	1	3	1	5
1	4	--	1	3	1	5					
10 REASON:											
<input checked="" type="checkbox"/>	Overpayment										
	Duplicate Payment										
	No Fee Due (Explanation):										
11 REFUND REQUESTED BY:											
TYPED/PRINTED NAME: <u>Carl Friedman</u>		TITLE: <u>Petitions Examiner</u>									
SIGNATURE: <u>[Signature]</u>		PHONE: <u>2-6842</u>									
OFFICE: <u>Office of Petitions</u>											
***** THIS SPACE RESERVED FOR FINANCE USE ONLY: *****											
APPROVED: <u>[Signature]</u>		DATE: <u>11/18/10</u>									

*Instructions for completion of this form appear on the back. After completion, attach white and yellow copies to the official file and mail or hand-carry to:*